



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Washington, D.C. 20507**

Office of  
Inspector General

## **BACKGROUND**

In accordance with the Reports Consolidation Act of 2000, the Office of Inspector General (OIG) is reporting what it has determined are the most serious management and performance challenges facing the U.S. Equal Employment Opportunity Commission (EEOC) for FY 2023. This annual statement provides our views on these challenges facing EEOC for inclusion in the EEOC's FY 2022 Annual Financial Report.

## **MANAGEMENT CHALLENGES**

We believe the EEOC faces three challenges in FY 2023 in order to advance effectively in its mission to “prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace.” The three challenges are: (1) Reentry; (2) Digital Mission-Critical Data System Modernization; and (3) Digital Records Management.

We determined that the areas of Digital Mission-Critical Data System Modernization and Digital Records Management, discussed in last year's Management Challenges, remain key challenges. In addition, while some of the COVID-19 hurdles from last year remain, “Reentry” captures the FY 2023 challenge.

### **Reentry**

As EEOC leadership plans for and executes key activities in FY 2023, the Agency faces the difficult tasks of completing reentry to the workplace, while ensuring worker safety and reaching agreement with the employees' union. After operating in an almost entirely virtual environment since March 2020, when EEOC implemented maximum telework in response to the COVID-19 pandemic, EEOC reintroduced increased numbers of staff to its headquarters and field offices in calendar year 2022.

The March 2022 EEOC Reentry Plan describes how the Agency plans to execute a phased and safe reentry to the workplace. The three phases of reentry, as detailed in the plan, are: 1) employees will report to the office at least 1 day a week for the first month of reentry; 2) employees reporting to the office at least two days each week during the second month of reentry; and 3) beginning in the third month, EEOC reopening its offices to the public. The first two phases are complete. The provisions of the EEOC Reentry Plan expire on December 31, 2022.

The EEOC employees' union filed an unfair labor practice complaint against EEOC for failure to complete the agreement with the union regarding the reentry plan. EEOC is negotiating with the union regarding the impact and implementation of the plan. Prompt resolution of the reentry issue will help ensure effective mission accomplishment, as well as improving morale and mission-focus.

## **Digital Mission-Critical Data System Modernization**

As mentioned in previous OIG management challenges, data modernization of the Agency's mission-critical case management system is vitally important. Data modernization is the process of moving siloed data from legacy databases to modern cloud-based databases. This type of modernization allows organizations to be agile, leading to elimination of inefficiencies, bottlenecks, and unnecessary complexities surrounding legacy systems. Data modernization also provides effective, streamlined solutions to improve data analytics, business intelligence, and decision-making processes throughout an organization. Successful, thriving entities are those that embrace change and are both agile and mobile.

The Agency's decision to replace its legacy case management system, the Integrated Mission System (IMS) was a move in the right direction regarding data modernization. This was an important technological move, because, according to an OIG contractor opinion, "As an organization, EEOC's culture overall is reluctant to embrace modern technologies..."

The Agency's replacement for IMS, now branded as the Agency Records Center (ARC), was deployed early in calendar year 2022 to 145 EEOC and FEPA offices, replacing IMS. According to the Office of Information Technology senior management, IMS cannot be fully decommissioned until the Litigation and Federal solutions are deployed.

Currently, OIT is working with the Office of General Counsel to design, develop, and deploy its ARC solution. This process will be repeated with the Office of Federal Operations, as the Federal Sector Hearings and Appeals solution is slated for development and release in FY 2023.

For the Agency to further improve in its data modernization processes (to include the successful implementation of ARC and its four mission-critical domains), EEOC senior management must continue to support OIT's efforts regarding ARC's development and full implementation. OIT should also continue to explore other innovative approaches regarding data modernization to further reengineer the Agency's business strategies and solutions to better address changing internal and external stakeholder needs.

## **Digital Records Management**

Federal guidance requires that all Federal records are created, retained, and managed in electronic formats, with appropriate metadata. For the past two years, the Agency has struggled with its efforts to transition to electronic records and develop internal guidance for records management. In FY 2021, the Agency's records management program was not staffed. As a result, the Senior Agency Officials for Records Management Annual Report and Federal Electronic Records and Email Management reports were not submitted to the National Archives and Records Administration, as required.

Within the last year, the Legal Counsel assigned a senior executive service official to provide oversight of the records management program and serve as the Senior Agency Official.<sup>1</sup> OLC also hired an experienced Records and Information Management Specialist to provide leadership and manage the day to day records management activities. According to OLC senior officials, there are plans to hire additional staff for the program.

To date, the records management program has developed some records management guidance and setup records schedules for existing paper records.<sup>2</sup> Records schedules for digital records have not been established. OLC is currently conducting an Agency-wide records inventory to identify the types of records in each office and establish liaisons for records management. While some progress has been made, more work is needed to fulfill the Federal records management requirements. EEOC senior management needs to ensure they continue to support and provide the necessary resources so that OLC can further its efforts in developing a robust records management program that includes Agency-wide training regarding records management policy and procedures. Also, OLC needs to coordinate its efforts with the OIT to ensure that the Agency develops and implements a strategic approach regarding digital records management.

Respectfully, submitted:



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<sup>1</sup> Senior Agency Officials for Records Management (SAORMs) act on behalf of the agency head to ensure the agency efficiently and appropriately complies with all applicable records management statutes, regulations, NARA policy, and OMB policy. ([Senior Agency Officials for Records Management List | National Archives](#))

<sup>2</sup> Records schedules describe the types of organizational records, how long to retain records, and instruction on the disposition of records.